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COMPTROLLER GENERAL OF THE UNITED STATES
Washington 25

B-107603

February 13, 1952

The Honorable
The Secretary of Commerce

My dear Mr. Secretary:

Reference is made to letter dated January 21, 1952, from the Acting Secretary of Commerce, requesting a decision in connection with the reimbursement of contemplated travel and transportation expenses of an employee of the Civil Aeronautics Administration incident to his separation from service outside the continental United States under the facts and circumstances hereinafter set forth.

It appears from the information contained in the letter that on January 3, 1947, the employee concerned was transferred on a permanent change of official station from San Francisco, California, to London, England, under an informal understanding that at the conclusion of two years' service in London he would be retransferred to an official station within the United States, or elsewhere outside of the United States, if he so desired; that he continuously served at the London post until August 31, 1951, when he attained the compulsory retirement age of 70 years; and that immediately following retirement he was reemployed by the Civil Aeronautics Administration under a temporary appointment of six months--with duty station at London, England--in order that he might clear up various pending matters of which he only was cognizant. It is pointed out in the letter that while there has never existed a written agreement relative to the employee's travel and transportation incident to the completion of the period of service agreed upon, nevertheless, to date all of the informal conditions of employment have been complied with by both the employee and the Civil Aeronautics Administration.

In view of the fact that the temporary appointment of the employee will expire on March 3, 1952, and since the employee has intimated that he may accept employment in a country other than the United States and for an employer other than the United States following the expiration of the said temporary appointment, request is made for a decision as to whether and to what extent, if any, appropriated funds would be available to pay such travel and transportation expenses as may be incurred by the employee in accepting such private employment.

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W. H. [unclear]

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Whatever rights the employee may have with respect to travel and transportation under the circumstances outlined above necessarily must be founded upon the act of August 2, 1946, 60 Stat. 806, as amended by the act of September 23, 1950, 64 Stat. 985, which provides the authority for and the conditions under which the United States may assume the expenses of travel and transportation of an employee incident to his completion of an employment agreement to render a specified period of service outside the United States. That statute, as amended, contemplates the return of the employee to the United States within a reasonable time after the completion of duty at the overseas station. See 28 Comp. Gen. 285. Moreover, there is no provision therein which would permit the payment to an employee of the constructive cost of return travel to his actual place of residence within the United States when, in fact, the employee elects to remain abroad. See unpublished decisions dated January 26, 1951, B-100252, and June 7, 1950, B-94739, copies of which are enclosed. It follows necessarily that there is no authority under the cited statute for charging appropriated funds with any part of the travel and transportation expenses that may be incurred by the employee concerned should he travel from London, England, his last official Government station as an employee of the Civil Aeronautics Administration, to some other point outside of the United States to accept private employment.

The question submitted is answered accordingly.

Sincerely yours,

(Signed) LINDSAY C. WARREN

Comptroller General
of the United States